IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3215 OF 2004

Office Note, Office Memoranda of Coram appearance, Corut's orders or directions and Registrar's Orders:

Court's or Judge's Orders

Ms. Sangeeta Bhole, for the Petitioner
Mr. C.R.Sonawane, AGP,for the Respondent No.1.
Mr. G.S. Hegde, for Respondent No.2.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 24th February, 2005

P.C.

. Rule. Heard forthwith.

2. It is the case of the petitioner that lands identified under Survey No.155 Hissa No.3 admeasuring 0.56.9 Acres have been taken possession of and have been handed over to Respondent No.2, in whose name now the land stands mutated. The grievance of the petitioner is that apart from notification under Section 4 of the Land Acquisition Act the petitioner was not aware whether subsequently there was declaration under Section 6 or for that matter the Award is passed. Atleast no notice of the Award under Section 12(2) has been served on the petitioner. The petitioner has been representing to various authorities. Subsequently he also moved the Sub Divisional Officer in R.T.S.Appeal No.15/2002, who has dismissed the Appeal. Thereafter the

Additional Collector, Raigad in R.T.S. Appeal No.14 of 2003 by order of 21st November, 2003 dismissed the Appeal filed by the petitioner. It is therein pointed out that the Award is not available. It is really an unfortunate case whether the petitioner is running from pillar to post.

Considering the above, the following order:-

(i) If the Award has been passed the copy of the award must be available in the office of the Land Acquisition Officer. If that be so and the original is missing it will be open to the respondent No.1 to reconstruct the records including the Award within four months from today and thereafter serve notice of the Award on the petitioner as contemplated by Section 12(2) of the Land Acquisition Act.

(ii). If the copy of the award is not traceable then in that event the Respondent No.1 to proceed if the declaration under Section 6 has been issued to make a fresh Award and serve notice on the petitioner of making of the Award under Section 12 of the Land Acquisition Act.

(iii). It will then be open to the petitioner on notice being served under Section 12 of the Land Acquisition Act to

take appropriate steps in law which the petitioner will be entitled to.

(iv). Rule made absolute accordingly. No order as to costs.

Certified copy expedited.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)